

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**KIMBERLY HENLY, on behalf of herself  
and all others similarly situated,**

**Plaintiff,**

**v.**

**BILOXI H.M.A., LLC, a Mississippi Limited  
Liability Company d/b/a MERIT HEALTH BILOXI;  
COMMUNITY HEALTH SYSTEMS, INC., a Delaware)  
Corporation; and JOHN AND JANE DOES 1 through  
25, inclusive,**

**Defendants.**

**Case No. 1:19-cv-544-HSO-JCG**

**COMMUNITY HEALTH SYSTEMS, INC.’S MOTION TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION**

Defendant Community Health Systems, Inc. (“CHSI”) moves this Court pursuant to Fed. R. Civ. P. 12(b)(2) to dismiss Plaintiff’s claims for lack of personal jurisdiction, as CHSI—a Delaware holding company with no employees, offices or agents in Mississippi—played no role in this case related to hospital billing practices and is not subject to the personal jurisdiction of this Court.

CHSI’s only relationship with Defendant Biloxi H.M.A., LLC d/b/a Merit Health Biloxi, where the specific alleged wrongdoing occurred, as well as the other Merit Health hospitals referenced in the Complaint, Jackson HMA, LLC d/b/a Merit Health Central, Madison HMA, LLC d/b/a Merit Health Madison, Natchez Hospital Company, LLC d/b/a Merit Health Natchez, Brandon HMA, LLC d/b/a Merit Health Rankin, River Oaks Hospital, LLC d/b/a Merit Health River Oaks, or Wesley Health System, LLC d/b/a Merit Health Wesley (together, the “Hospitals”), is as an indirect parent company. CHSI does not transact business in Mississippi and does not operate or even directly own the Hospitals. Under basic tenets of Mississippi corporate law, a parent company is typically not liable for the acts of a subsidiary.

Equally basic is the concept that a parent company cannot be subjected to personal jurisdiction in a state based on the acts of a subsidiary. To assert personal jurisdiction over CHSI in this case merely because it has an indirect ownership interest in a Mississippi company would contradict settled personal jurisdiction jurisprudence and exceed even the outer limits of due process.

WHEREFORE, CHSI respectfully requests that the Court dismiss the claims against CHSI for lack of personal jurisdiction.

Respectfully submitted, this the 8<sup>th</sup> day of October, 2019.

**COMMUNITY HEALTH SYSTEMS, INC.**

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